

REMARKS

This Amendment responds to the Office Action dated October 27, 2009. In response, Applicants have amended independent claim 8.

Claim rejections and response

In the office action, claims 8, 10/8, 11/8 and 12/11/8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen (US 2,071,215) (hereinafter “Petersen”). The Office Action is silent as to pending claim 9 which depends on claim 8. However, claim 9 is allowable for at least the same reasons claim 8, as amended, is allowable.

In response, Applicant has amended claim 8 so as to more clearly distinguish it from Petersen. According to original specification and drawings thereof (see Figures 3A and 3B), the pushing board 3 is shown as having a semi-circular shape. In addition, the quantity of the pulling elements is described as two or a pair. The partial relationship among the pulling elements, the surrounding strip and the pushing pole is also clearly defined based on original specification and drawings.

Applicant submits that, after amendment, the external counter-pulsation device covered by newly amended claim 8 is patentably distinguishable over Petersen’s device.

First, the claimed pushing board has a semi-circular shape which substantially conforms to the body of a patient. As a result, less pain will be imposed to the patient body during the pushing process of the pushing body against the body. Comparatively, with reference to figure 1 of Petersen’s patent, the pushing board (holder 4) is of a triangular shape which is greatly different from claimed semi-circular shape of the pushing board. Additionally, there is no disclosure in Petersen that the holders 4 of “a sounding strip which defines in combination with the semi-circular board and enclosing space into which the body of a patient can be

constricted.” Moreover, the triangular holders 4 shown in Petersen will never produce the effect of reducing pain imposed to the patient, unlike the claimed device.

Secondly, according to amended claim 8, a pair of pulling elements is provided. Comparatively, **no** pulling element is present in Petersen’s device. Even assuming that the spring 4 shown in figure 1 of Petersen’s patent is a pulling element, it is still clearly different from the pair of pulling elements as claimed. Namely, amended claim 8 recites one end of each pulling element is attached to the pushing pole, while the other end of each pulling element is attached to both ends of the surrounding strip respectively. In Petersen’s device, the spring 4 is disposed and connected between **the rod 7 (pushing pole) and holder 4 (pushing board)**, but not between the pushing pole and surrounding strip.

Based on above detailed analysis, Applicant submits that the amended claim 8 is patentable over Petersen.

Dependent claims 9, 10, 11 and 12 are thus also be patentable due to their dependency on amended claim 8, which is patentable for the foregoing reasons. Applicant notes, dependent claims 10, 11 and 12 were amended to cancel dependency (direct or indirect) on withdrawn claims 1-7.

Conclusion

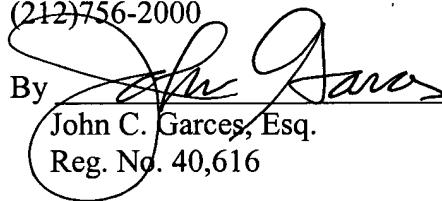
In light of the foregoing, Applicant respectfully submits that all the claims of the present patent application are patentable over the cited documents and in condition for allowance.

The Examiner is urged to telephone Applicant's undersigned counsel if it will advance the prosecution of this application. The Patent and Trademark Office is authorized to charge any fees required for the entry of this Response, including fees for an extension of time, and any further fees that are properly assessable in this case, or to credit any overpayment, to Deposit Account No. 50-0675, Order No. 065739-0002. In the event that an extension of time is needed for entry of this Response that is not otherwise provided for, such extension of time is hereby respectfully requested.

Respectfully submitted,

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